

1 THOMAS E. MOSS, IDAHO BAR NO. 1058
2 UNITED STATES ATTORNEY
3 AARON N. LUCOFF, IDAHO BAR NO. 5707
4 ASSISTANT UNITED STATES ATTORNEY
5 DISTRICT OF IDAHO
6 MK PLAZA, PLAZA IV
7 800 PARK BLVD., SUITE 600
8 BOISE, IDAHO 83712
9 TELEPHONE: (208) 334-1211
10 FACSIMILE: (208) 334-1413
11

10-00720 PM 4:07
CLERK
IDAHO

12 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 KIRK GREGORY DENINO,

17 Defendant(s).
18
19

Cr. No. 04-189-S-EJL

**MOTION FOR DETENTION OF
DEFENDANT PENDING TRIAL**

20 COMES NOW the United States of America, by and through Thomas E. Moss, United
21 States Attorney, and the undersigned Assistant United States Attorney for the District of Idaho,
22 pursuant to 18 U.S.C. §§ 3142(a)(4) and 3142(e), for an order directing that a hearing be held for
23 the purpose of holding the defendant without bail prior to trial.

24 () Pursuant to 18 U.S.C. § 3142(f), the United States asks for a continuance of ___ days
25 from the date of the defendant's first appearance before a judicial officer. The continuance is
26 requested in order for agents to travel to Boise for the hearing.

27 MOTION FOR DETENTION OF
28 DEFENDANT PENDING TRIAL

1 The prosecution will introduce evidence as follows pursuant to the specific sections of
2 Title 18, United States Code, as indicated:

3
4 (X) § 3142(f)(1)(A) - a crime of violence. A crime of violence is defined as either (1) an
5 offense that has as an element of the offense the use, attempted use, or threatened use of physical
6 force against the person or property of another; (2) any other offense that is a felony and that, by
7 its nature, involves a substantial risk that physical force against the person or property of another
8 may be used in the course of committing the offense; or (3) any felony under chapter 109A, 110,
9 or 117. 18 U.S.C. § 3156(a)(4).

10
11 () § 3142(f)(1)(B) - an offense for which the maximum sentence is life imprisonment
12 or death.

13
14 () § 3142(f)(1)(C) - an offense for which a maximum term of imprisonment of ten
15 years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801, et seq.), the
16 Controlled Substances Import and Export Act (21 U.S.C. § 951, et seq.), the Maritime Drug Law
17 Enforcement Act (46 U.S.C. App. 1901 et. seq.), or is an offense under 18 U.S.C. § 924(c).

18
19 () § 3142(f)(1)(D) - any felony committed after the person had been convicted of two
20 or more prior offenses described in § 3142(f)(1)(A) through (C), or two or more State or local
21 offenses that would have been offenses described in § 3142(f)(1)(A) through (C) if a
22 circumstance giving rise to Federal jurisdiction had existed.

23
24 (X) § 3142(f)(2)(A) - a serious risk that the person will flee.

1 (X) § 3142(f)(2)(B) - a serious risk that the person will:

2 () obstruct or attempt to obstruct justice, or

3 (X) threaten, injure, or intimidate, or attempt to threaten, injure, or
4 intimidate, a prospective witness or juror; or

5 (X) otherwise pose a danger to any other person or the community.

6 Respectfully submitted this 20th day of October, 2004.

7
8
9 THOMAS E. MOSS
UNITED STATES ATTORNEY
By:

10
11
12 
13 Aaron N. Lugoff
14 Assistant United States Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office for the District of Idaho, and that a copy of the foregoing MOTION FOR DETENTION OF DEFENDANT PENDING TRIAL was served to all parties named below, this ____ day of October, 2004, by:

☒ United States Mail, postage prepaid

☐ Hand-delivery

☐ Facsimile transmission (fax)

Thomas Monaghan
Federal Defenders of
E. Washington & Idaho
350 N. 9th Street, Ste. 300
Boise, Idaho 83702

A handwritten signature in cursive script, reading "Pamela Brophy", written over a horizontal line.